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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/945,200

08/30/2001

Martin Morris

WIDC-008/00US

4498

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01/05/2005

EXAMINER

BURD, KEVIN MICHAEL

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ART UNIT

PAPER NUMBER

2631

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/945,200

Applicant(s)

MORRIS, MARTIN

Examiner

Kevin M. Burd

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/2002</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 8/13/2002 is being considered by the examiner.

### ***Drawings***

2. Figure 3A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen (US 2002/0187799).

Regarding claims 1, 21, 27, 30, 32 and 33, Haartsen discloses a wireless communication device and method of using a wireless communication device (abstract). A receiver is operable to receive an incoming transmission (paragraph 0064). A transmitter is operable to send an outgoing transmission over a first range (paragraph 0063). An error correction coding circuit is provided to vary the level of the error correction coding applied to the data within the outgoing transmission (paragraphs 0061 and 0063). The describe link adaptation scheme of altering the coding rate may be used to automatically adjust communication link parameters to provide a desired range (paragraph 0058).

Regarding claims 2-5, the receiver measures a performance parameter and sends information to the transmitter to change the user rate (coding rate) (paragraph 0017). The receiver will decode the following transmission at this new error correction-coding rate.

Regarding claim 6, the wireless communication system utilizes Bluetooth specifications for transmitting and receiving data (paragraph 0009).

Regarding claims 7 and 8, the receiver measures a performance parameter and sends information to the transmitter to change the user rate (coding rate) (paragraph 0017). The receiver will decode the following transmission at this new error correction-coding rate.

Regarding claims 9, 22, 23, 26, 29 and 31, data transmitted following the Bluetooth specification has data comprising a digitally encoded data packet including an access code portion, a header portion and a payload portion.

Regarding claim 10, the describe link adaptation scheme of altering the coding rate described above may be used to automatically adjust communication link parameters to provide a desired range (paragraph 0058).

Regarding claims 11, 24 and 25, the receiver measures a performance parameter and sends information to the transmitter to change the user rate (coding rate) (paragraph 0017). The receiver will decode the following transmission at this new error correction-coding rate.

Regarding claim 12, Haartsen discloses a wireless communication device and method of using a wireless communication device (abstract). A receiver is operable to receive an incoming transmission (paragraph 0064). A transmitter is operable to send an outgoing transmission over a first range (paragraph 0063). An error correction coding circuit is provided to vary the level of the error correction coding applied to the data within the outgoing transmission (paragraphs 0061 and 0063). The describe link adaptation scheme of altering the coding rate may be used to automatically adjust communication link parameters to provide a desired range (paragraph 0058). The receiver measures a performance parameter and sends information to the transmitter to change the user rate (coding rate) (paragraph 0017). The receiver will decode the following transmission at this new error correction-coding rate.

Regarding claims 13 and 14, a signal strength indicator is monitored in the receiver to determine if additional error correction coding is necessary (paragraph 0017) to increase the range of the transmission (paragraph 0058). A signal strength of zero would indicate the signal is not detected and a change to the error correction coding is necessary.

Regarding claim 15, symbols are re-encoded using the increased coding (paragraph 0042).

Regarding claim 16-18, data transmitted following the Bluetooth specification has data comprising a digitally encoded data packet including an access code portion, a header portion and a payload portion. The receiver measures a performance parameter and sends information to the transmitter to change the user rate (coding rate) (paragraph 0017). The receiver will decode the following transmission at this new error correction-coding rate.

Regarding claims 19 and 20, the transmitting device searches for available receivers to receive the transmitted data.

Regarding claim 28, greater error correction coding capacity is included (paragraph 0041).

### ***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kato et al (US 5,583,851) discloses a wireless communication system that switches between a level of no error correction to a level with error

correction to expand the range of the information transmission operation (column 8, lines 36-53).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Thursday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kevin M. Burd  
12/30/2004

**KEVIN BURD  
PRIMARY EXAMINER**